

## REMARKS

The Office Action dated April 16, 2009, has been received and carefully considered.

The above amendments and the following remarks are submitted in response thereto.

Claims 12, 23 and 24 are amended and Claim 20 is cancelled without prejudice or disclaimer. Thus, Claims 12, 14-19, and 21-24 are pending in this application.

### Claim Rejections - 35 U.S.C. §103

Claims 12-18, 20, 21, 23 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Romagnoli (U.S. Patent No. 4,437,294, hereinafter "Romagnoli") in view of Rossi (U.S. Patent No. 4,747,250, hereinafter "Rossi"). The Applicant respectfully traverses the Examiner's rejection.

Claims 12, 23 and 24 recite a device for dosing and forming disks for pods that similarly include, among other features, a rotational drive means acting directly on each piston and designed to continuously revolve each piston about its axis due to revolution of a drum, wherein the rotational drive means comprises a fixed ring gear mounted inside the revolving drum and meshed with corresponding gear wheels keyed to the respective cylinder of each piston so that the pistons revolve continuously as the gear wheels engage the fixed ring gear while the pistons move round the circular path.

As the Examiner stated, Romagnoli does not disclose the use of a tamping device and a reciprocating piston which rotates about a reciprocating axis. Rossi shows a forming mechanism comprising a tamper mechanism moving along a reciprocating axis and a rotating rod, which rotates around a reciprocating axis of the tampered device.

The Office Action asserts on page 3, first paragraph, and, in greater detail, on page

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5, third full paragraph, that Rossi teaches a “forming mechanism for forming infusion pods comprised of tamper mechanism 74, moving along a reciprocating axis and a rotating rod 76, which rotates around a reciprocating axis and a rotating rod 76, which rotates around a reciprocating axis of the tamper device, through the use of a ring shaped gear 100 and meshed with gear 106, which drive the rotating rod for the purpose of compacting and shaping a quantity of product to be packaged (see figures 1, 2, and col. 4, lines 27-25).” The Applicant respectfully disagrees with the Office Action’s interpretation of Rossi, as well as the overly broad application of Rossi which does not address each and every element as specified and arranged in each of Claims 12, 23 and 24.

Rossi does not disclose, teach or suggest a rotational drive means acting directly on each piston and designed to continuously revolve each piston about its axis due to revolution of the drum, wherein the rotational drive means comprises a fixed ring gear mounted inside the revolving drum and meshed with corresponding gear wheels keyed to a respective cylinder of each piston so that the pistons revolve continuously as the gear wheels engage the fixed ring gear while the pistons move around the circular path. Rather, Rossi teaches the use of a tamper device which provides only a single piston (aligned with other working pistons) which can rotate around its axis for compacting the product and which remains always in its position. As shown in Fig. 3 of Rossi, a drive gear 118 is used to provide synchronous movement of the plate disc 120 and the shaft 76 of the tamping piston. The drive gear 118 is connected to an intermediate gear 116 which drives rotation of the shaft 76 through gear 100. The Applicant respectfully submits that one of ordinary skill in the art would never mistake the gears 100, 116, and 118 for the fixed ring gear of the present invention. Moreover, the gear 100 associated with the shaft 76 in Rossi is not

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directly engaged in any manner with a fixed ring gear to provide continuous rotation of the shaft 76 while the piston rotates around a circular path. Furthermore, the rotation of shaft 76 in Rossi is not driven by the rotation of the drum, or any similar structure, as recited by Claims 12, 23 and 24. Rather, the rotation of the shaft 76 is independently driven by the drive gear 118. As such, modification of Romagnoli with Rossi would require decoupling the rotational motion of the pistons from the revolutionary motion of the drum in order to independently drive the rotation of the pistons with a drive gear, resulting in added complexity and structure that one of ordinary skill in the art would recognize as completely undesirable.

In Rossi every piston has a different task. In the present invention all the pistons have the same function and do, in sequence, the same working steps. Therefore, even if the skilled man tried to combine Rossi with Romagnoli, he could not reach the claimed solution since none of the prior art document shows or suggests a drum having a plurality of revolving pistons which rotate continuously about their respective axis while the drum revolves.

In view of the above, Claims 12, 23, and 24, as well as Claims 14 - 18, and 21 are inventive over Romagnoli in view of Rossi.

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Romagnoli in view of Mattos (U.S. Patent No. 2,684,186, hereinafter “Mattos”).

Claim 19 depending on Claim 12 includes all the limitations of Claim 12. Mattos does not cure the deficiencies of Romagnoli (or of Rossi). Consequently, Claim 19 is also considered allowable.

Claim 22 is rejected under 35 U.S.C. §103(a) as being unpatentable over Romagnoli

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in view of Lofman et al. (U.S. Patent No. 6,135,120, hereinafter "Lofman").

Claim 22 depending on Claim 12 includes all the limitations of Claim 12. Lofman does not cure the deficiencies of Romagnoli (or of Rossi). Consequently, Claim 22 is also considered allowable.

In view of the above remarks, it is respectfully requested that the rejections under 35 U.S.C. §103 be withdrawn.

### Conclusion

The Applicant respectfully submits that present Claims 12, 23, and 24 are allowable. Claims 14-19 and 21-22 depend (directly or indirectly) upon independent Claim 12. The Applicant further submits that each of these dependent claims incorporates the patentable aspects thereof, and is therefore allowable for at least the same reasons as discussed above. Accordingly, the Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §103, allowance of Claims 12, 14-19, and 21-24 and the prompt issuance of a Notice of Allowance.

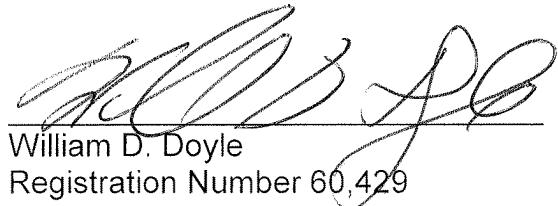
Applicant's counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Applicant respectfully submits that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

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In the event that this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 023349-00313.

Respectfully submitted,



William D. Doyle  
Registration Number 60,429

Customer Number 004372  
AREN'T FOX LLP  
1050 Connecticut Avenue, NW  
Suite 400  
Washington, DC 20036-5339  
Telephone: 202-857-6000  
Fax: 202-638-4810

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